

Amendments

By the amendment presented above the cross-reference paragraph has been updated as requested by the Examiner.

Also by the amendment presented above, Claims 19, 20, 56, and 57 have been cancelled. After entry of the above amendments, Claims 1-18, 38-55, 75, 78-81, and 86-102 will be pending in the above-identified application and are before the Examiner. No addition claims fee is believed necessary as a result of this amendment.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected the claims of the present invention as being indefinite under 35 U.S.C. §112, second paragraph. The Examiner states that there are many "practically duplicated claims with slight difference" and that therefore the claims should be consolidated. Applicants respectfully traverse this rejection as applied to the pending claims.

The Examiner points to Claims 54 and 57, and 17 and 20, as being a virtual duplicates of each other. Applicants submit that this duplication has been addressed by the presented amendment, canceling Claim 57 and 20.

The Examiner also points to Claims 2 and 39 as being "substantial duplicates" to each other. Applicants submit, and the Examiner seems to admit, that the claims in question are not duplicates and do not claim the same scope, and therefore do not need to be consolidated. Claim 2 has all of the limitations of Claim 39 plus the additional requirement that the adhesion peel force after activation by the user is sufficient to form a continuous seal against a target surface. Applicants submit that in the field of food storage wraps, which are some of the preferred embodiments of the claimed materials, the element of forming a continuous seal against a target can result in significantly different product performance than a material that just forms a seal sufficient to hold the wrap on the container which may or may not be continuous.

Applicants respectfully submit that for these reasons the rejection of the claims under 35 U.S.C. §112, second paragraph should be withdrawn.

Rejection for Double Patenting

The Examiner has rejected the claims of the above-identified application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over:

- Claims 1-5, 7, 9-16 and 24 of U.S. Patent No. 6,194,062, and
- Claims 1-18, 41-58, 66, 81, 87-88 and 95-111 of copending U.S. Patent Application Ser. No. 09/155,586.
- Applicants respectfully traverse this rejection. Patent 6,194,062, the parent of the present continuation application, and Application Ser. No. 09/155,586 each claim various, patentably distinct

inventions. Nevertheless, in order to expedite prosecution of the present application, Applicants concurrently submit with this response, a Terminal Disclaimer over U.S. 6,194,062 and Application Ser. No. 09/155,586, which are both commonly assigned.

Therefore, Applicants respectfully submit that the obviousness-type double patenting rejection have been overcome.

For the reasons presented above, Applicants submit that the pending Claims 1-18, 38-55, 75, 78-81, and 86-102 of the above-identified application are definite under 35 U.S.C. §112, second paragraph. Further, Applicants submit that Examiner's obviousness-type double patenting rejection has been overcome. Therefore, Applicants submit that the pending claims should be allowed. Early and favorable action in the case is respectfully requested.

Respectfully submitted,

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Amended Specification
Version with Markings to Show Changes Made

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation application of U.S. Patent Application 08/745,340, filed November 8, 1996, issued as U.S. Patent No. 6,194,062, which is a continuation-in-part application of ~~commonly assigned, co-pending~~ U.S. Patent Application Serial No. 08/584,638, filed January 10, 1996 in the names of Peter W. Hamilton and Kenneth S. McGuire, issued as U.S. Patent 5,662,758.